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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 791 of 1992

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? - Yes.

JJJ

2. To be referred to the Reporter or not? - No.

[illegible]

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3. Whether Their Lordships wish to see the fair copy of the judgement? - No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? - No.

GUJARAT HOUSING BOARD

Versus

SPL.LAND ACQ.OFFICER

Appearance:

MRS KETTY A MEHTA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

SERVED for Respondent No. 2

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 09/08/96

## ORAL JUDGEMENT

In my view, this Civil Revision Application can be disposed of by a very short judgment. Respondent No.1, Special Land Acquisition Officer, Vadodara, a duly empowered Officer by the State Government, acquired land for and on behalf of the Gujarat Housing Board, the petitioner, belonging to respondent No.2, the deceased Jashbhai Jethabhai Patel. Upon completing the acquisition proceedings, an Award was rendered. The Award was taken in reference by the respondent No.2, deceased Jashbhai under Section 18 of the Land Acquisition Act, 1892 to the Reference Court, viz., District Court at Vadodara. During the pendency of the aforesaid reference, petitioner moved an application for being impleaded as a party. However, the learned Extra Assistant Judge, Vadodara, rejected the same by his order dated 10th of June, 1991.

Being aggrieved by the order, rejecting impleadment, the Board challenges the same in the present Civil Revision Application. Admittedly, the land is acquired for Gujarat Housing Board and needless to say, it is the Housing Board, who has to pay the compensation to the respondent No.2. Having regard to the law enunciated by the Apex Court in the decision in U.P. Awas Evam Vikas Parishad v. Gyan Devi (Dead) by L.Rs. and others, JT 1994(7) SC 304, needless to say, the revision application has to straight away succeed. Accordingly, rule is made absolute. The impugned order of the Reference Court dated 10th of June, 1991 is set aside and the application of the petitioner-Gujarat Housing Board, for impleadment in Land Reference Case No.100 of 1983 is granted. Rule accordingly is made absolute, as indicated. There shall be no order as to costs.

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(apj)